

### **REMARKS**

This is a full and timely response to the Office Action dated April 1, 2008.

Claims 1-19 are currently pending, with claim 1 being independent.

No claims have been amended.

Applicant respectfully requests reconsideration of the present application in view of the following remarks.

#### **Claim Rejections – 35 U.S.C. §103**

**Claims 1-11 and 14-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Fujii* (U.S. Patent No. 6,411,344) in view of *Yamaoka* (U.S. Patent No. 6,025,958).** This rejection is respectfully traversed at least the following reasons.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).” M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). Additionally, “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

In this case, the Office Action fails to establish the obviousness since *Yamaoka* does not cure the defects of *Fujii* because even if *Yamaoka* is combined with *Fujii*, the configuration of layers in the present invention cannot be achieved.

The Office Action states that the motivation for the combination of *Fujii* with *Yamaoka* is to reduce the reflection of extraneous light in the touch panel and enhance the brightness of the LCD in the touch panel. Applicant agrees that *Yamaoka* has the effect of preventing surface reflection or the like by providing an anti-reflection layer or a glare protection layer. However, an anti-reflection layer or a glare protection layer disclosed in *Yamaoka* does not provide for the inhibition of reflection at the interface of layers. In *Yamaoka*, “the adhesive layer” having a refractive index difference of not more than 0.1 from that of wavelength plates provided interposed therebetween is used for the inhibition of reflection at the interface of layers. (Col. 2, lines 43-52). Accordingly, *Yamaoka*'s anti-reflection layer or glare protection layer does not prevent Newton's rings caused by

interference of light between the transparent electrodes and also preventing from red-green stripes become distinguishable due to film thickness deviation.

As the Office Action points out, Applicant acknowledges that *Yamaoka* indeed discloses that the circular polarizing plate has a 1/4 wavelength plate on one side and a polarizing plate on the other, and 'the circular polarizing plate preferably comprises one or both of an anti-reflection layer and a glare protection layer provided on one or both sides thereof for the purpose of preventing surface reflection or like purposes. (Col. 5, lines 63-66. Emphasis added.)

However, Applicant respectfully submits that the Office Action confuses “a circular polarizing plate” with “a polarizing plate.” A polarizing plate is part of a circular polarizing plate, but not the identical. *Yamaoka* also distinguishes a circular polarizing plate from a polarizing plate (reference numeral 5), as seen in the claim 5 and Specification of *Yamaoka* as cited below.

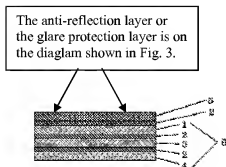
*Yamaoka*'s claim 5: A circular polarizing plate comprising a laminate of a laminated wavelength plate having a 1/4 wavelength plate and a polarizing plate, the 1/4 wavelength plate comprising a plurality of oriented films giving a retardation...(omitted).

The circular polarizing plate according to the present invention is a laminate of the foregoing laminated wavelength plate having a 1/4 wavelength plate and a polarizing plate. An example of this circular polarizing plate is shown in FIG. 3. Shown at the reference numerals 2, 5 and 6 are a transparent adhesive layer, a polarizing plate and a laminated wavelength plate, respectively. (Col. 5, lines 27-33)

The portion of *Yamaoka*'s Specification cited in the Office Action, particularly “one or both of an anti-reflection layer and a glare protection layer are provided on one or both sides thereof...” refers ONLY to the circular polarizing plate, not the polarizing plate. (Col. 5 lines 63-66. Emphasis added). Therefore, it means one or both of an anti-reflection layer and a glare protection layer are provided OUTSIDE or ON THE SURFACE of “the circular polarizing plate.” Further, *Yamaoka* supports this by stating that “[t]he glare protection layer may be formed any proper method which allows the surface of the circular polarizing plate to scatter reflected light.” (Col. 67, lines 3-5. Emphasis added). Therefore, an anti-reflection layer and a glare protection layer are NEVER provided between the polarizing plate (not the circular polarizing plate) and the laminated

wavelength plate having a  $\frac{1}{4}$  wavelength plate. The following diagram and chart shows the layer/plate order of *Yamaoka*.

Fig. 3 (*Yamaoka*)



The following chart explains the order of layers shown in Fig. 3 on the left.

The anti-reflection layer or the glare protection layer: Formed by any proper method which allows <u>the surface of the circular polarizing plate</u> to scatter reflected light (col. 6, lines 3-5 of <i>Yamaoka</i> ) Therefore, <u>an anti-reflection layer and a glare protection layer</u> are NEVER provided between the polarizing plate (not the circular polarizing plate) and the laminated wavelength plate having a $\frac{1}{4}$ wavelength plate	
5: The polarizing plate (NOT the circular polarizing plate)	} The circular polarizing plate
6: The laminated wavelength plate having a $\frac{1}{4}$ wavelength plate	

In contrast, Claim 1 recites “a transparent conductive laminate comprising a film made of a polymer with a photoelastic constant of no greater than  $70 \times 10^{-12} \text{Pa}^{-1}$  (polymer film A), a light-scattering layer with a haze value in the range of 0.2-1.4% formed directly on one side thereof, and a transparent conductive layer formed on the other side thereof, wherein the laminate exhibits a  $\lambda/4$  retardation.” Accordingly, the scattering layer is formed on the polymer film A, but it is on the opposite side of the transparent conductive layer as shown in Figures 1-4. A person having ordinary skill in the art would know that a polarizing plate is further formed on the layer order as shown in Figures 1-4. Therefore, scattering layer is always located **between layers** and **never OUTSIDE or ON THE SURFACE** of the “circular polarizing plate” in contrast to *Yamaoka*.

Thus, Applicants respectfully submit that a *prima facie* case has not been established by the Office Action. Accordingly, withdrawal of this rejection and allowance of the claim is respectfully requested.

Moreover, aside from the novel limitations recited therein, claims 2-11, 12, 13 and 14-19, being dependent either directly or indirectly upon claim 1, are also allowable for at least the reasons set forth above. Withdrawal of the rejection of these claims is therefore courteously solicited.

### **CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. TEI-0132 from which the undersigned is authorized to draw.

Dated: June 9, 2008

Respectfully submitted,

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